

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION
www.flmb.uscourts.gov

In re:

SCRUB ISLAND DEVELOPMENT
GROUP LIMITED,

SCRUB ISLAND CONSTRUCTION
LIMITED,

Debtors.

Chapter 11

Case No. 8:13-bk-15285-MGW

Jointly Administered with

Case No. 8:13-bk-15286-MGW

FIRSTBANK PUERTO RICO,

Plaintiff,

vs.

Adv. Proc. No. 8:14-ap-00987-MGW

SCRUB ISLAND UTILITY (BVI) LTD and
SCRUB ISLAND DEVELOPMENT
GROUP LIMITED,

Defendants.

**STIPULATION TO VACATE JUDGMENT
AND DISMISS CLAIMS WITH PREJUDICE**

Plaintiff, FirstBank Puerto Rico, and Defendants, Scrub Island Development Group Limited and Scrub Island Utility (BVI) Ltd. (collectively, with the Plaintiff, the “Parties”), in conjunction with the closing under the Order Granting Joint Agreed Motion to Approve Modification of Confirmed Plan Pursuant to Mediation Settlement (Doc. No. 591 in Case No. 8:13-bk-15285-MGW), pursuant to Rules 7041 and 7060 of the Federal Rules of Bankruptcy Procedure, hereby respectfully request that this Court vacate the

Final Judgment (Adv. Doc. No. 21) and dismiss this proceeding, with prejudice. Each party shall bear its own attorneys' fees and costs. The Parties request that the Court enter the order, the form of which is attached hereto as Exhibit A.

/s/ W. Keith Fendrick *

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**Pursuant to Local Rule 9011-4(d) regarding signatures, Daniel R. Fogarty attests that concurrence in the filing of this paper has been obtained.*

/s/ Daniel R. Fogarty

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the **Stipulation to Vacate Judgment and Dismiss Claims with Prejudice** was furnished on September 29, 2015 by the Court's **CM/ECF Transmission** to:

All parties receiving electronic noticing in this case

DATED: September 29, 2015

/s/ Daniel R. Fogarty
Daniel R. Fogarty

Exhibit A

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Adv. Proc. No. 8:14-ap-00987-MGW

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SCRUB ISLAND DEVELOPMENT
GROUP LIMITED,

Defendants.

ORDER VACATING JUDGMENT AND DISMISSING CLAIMS WITH PREJUDICE

THIS PROCEEDING came on for consideration on the Stipulation to Vacate Judgment and Dismiss Claims with Prejudice (Adv. Doc. No. ____) (the "Stipulation") filed by the Plaintiff,

FirstBank Puerto Rico (the “Plaintiff”), and Defendants, Scrub Island Development Group Limited and Scrub Island Utility (BVI) Ltd. (the “Defendants” and collectively with the Plaintiff the “Parties”), and the Court having reviewed the Stipulation, being advised of the agreement of counsel of the Parties, and otherwise being duly advised on the premises, it is

ORDERED that the Final Judgment (Adv. Doc. No. 21) is vacated, and all claims of the Parties are hereby dismissed, with prejudice. Each party to bear its own attorneys’ fees and costs, all subject to and in accordance with the Stipulation.

Attorney Daniel R. Fogarty is directed to serve a copy of this order on those parties receiving notice via cm/ecf and file a proof of service within 3 days of entry of the order.